



Reprinted
February 1, 2006

HOUSE BILL No. 1093

DIGEST OF HB 1093 (Updated January 31, 2006 5:25 pm - DI 71)

Citations Affected: IC 20-20; IC 20-33; IC 35-47; noncode.

Synopsis: Offenses on school property or against school employees. Makes possessing a knife on school property or on a school bus a Class B misdemeanor. Makes the offense a Class A misdemeanor if the offender has a previous unrelated conviction and a Class D felony if the offense results in bodily injury or serious bodily injury to another person. Adds battery against, and the harassment of, a school employee to the list of offenses that must be reported to a local law enforcement agency.

Effective: July 1, 2006.

Dobis, Cheney, Ayres

January 5, 2006, read first time and referred to Committee on Education.
January 25, 2006, amended, reported — Do Pass.
January 31, 2006, read second time, amended, ordered engrossed.

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HB 1093—LS 6637/DI 109+



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February 1, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1093

A BILL FOR AN ACT to amend the Indiana Code concerning school safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-20-8-8, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6).
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ISTEP program test scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.

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- 1 (B) Vocational education.
- 2 (C) Special education.
- 3 (D) Gifted or talented, if offered.
- 4 (E) Remediation.
- 5 (F) Limited English language proficiency.
- 6 (G) Students receiving free or reduced price lunch under the
- 7 national school lunch program.
- 8 (7) Advanced placement, including the following:
- 9 (A) For advanced placement tests, the percentage of students:
- 10 (i) scoring three (3), four (4), and five (5); and
- 11 (ii) taking the test.
- 12 (B) For the Scholastic Aptitude Test:
- 13 (i) test scores for all students taking the test;
- 14 (ii) test scores for students completing the academic honors
- 15 diploma program; and
- 16 (iii) the percentage of students taking the test.
- 17 (8) Course completion, including the number and percentage of
- 18 students completing the following programs:
- 19 (A) Academic honors diploma.
- 20 (B) Core 40 curriculum.
- 21 (C) Vocational programs.
- 22 (9) The percentage of grade 8 students enrolled in algebra I.
- 23 (10) The percentage of graduates who pursue higher education.
- 24 (11) School safety, including:
- 25 (A) the number of students receiving suspension or expulsion
- 26 for the possession of alcohol, drugs, or weapons; **and**
- 27 **(B) the number of incidents reported under IC 20-33-9.**
- 28 (12) Financial information and various school cost factors,
- 29 including the following:
- 30 (A) Expenditures per pupil.
- 31 (B) Average teacher salary.
- 32 (C) Remediation funding.
- 33 (13) Technology accessibility and use of technology in
- 34 instruction.
- 35 (14) Interdistrict and intradistrict student mobility rates, if that
- 36 information is available.
- 37 (15) The number and percentage of each of the following within
- 38 the school corporation:
- 39 (A) Teachers who are certificated employees (as defined in
- 40 IC 20-29-2-4).
- 41 (B) Teachers who teach the subject area for which the teacher
- 42 is certified and holds a license.

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(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.

(18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.

(19) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 2. IC 20-33-9-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.3. As used in this chapter, "battery" refers to battery under IC 35-42-2-1.**

SECTION 3. IC 20-33-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. As used in this chapter, "harassment" refers to harassment under IC 35-45-2-2.**

SECTION 4. IC 20-33-9-10, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee:**

- (1) has received a threat; or**
- (2) is the victim of intimidation;**
- (3) is the victim of battery; or**
- (4) is the victim of harassment;**

shall report that information as required by this chapter.

SECTION 5. IC 20-33-9-11, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.**

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

SECTION 6. IC 20-33-9-12, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12. This chapter does not relieve an individual of the obligation to report a threat, or intimidation, a battery, or**

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harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

SECTION 7. IC 20-33-9-13, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. An individual who has a duty under sections 10 through 12 of this chapter to report that a school employee may have received a threat or may be the victim of intimidation, **battery, or harassment** shall immediately make an oral report to the local law enforcement agency.

SECTION 8. IC 20-33-9-14, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat ~~or~~ **against a school employee**, intimidating a school employee, **committing a battery against a school employee, or harassing a school employee**, who:

- (1) makes, or causes to be made, a report under this chapter; or
- (2) participates in any judicial proceeding or other proceeding:
 - (A) resulting from a report under this chapter; or
 - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

SECTION 9. IC 35-47-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "knife" means an instrument that:

- (1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and
- (2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:

- (1) school property (as defined in IC 35-41-1-24.7);
- (2) a school bus (as defined in IC 20-27-2-8); or
- (3) a special purpose bus (as defined in IC 20-27-2-10);

commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.

(d) This section does not apply to a person who possesses a knife:

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1 (1) if:
2 (A) the knife is provided to the person by the school
3 corporation or possession of the knife is authorized by the
4 school corporation; and
5 (B) the person uses the knife for a purpose authorized by
6 the school corporation; or
7 (2) if the knife is secured in a motor vehicle.
8 SECTION 10. [EFFECTIVE JULY 1, 2006] IC 35-47-5-2.5, as
9 added by this act, applies only to crimes committed after June 30,
10 2006.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1093, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "or is readily adaptable to be used".

Page 2, delete lines 6 through 11, begin a new line double block indented and insert:

"(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and

(B) the person uses the knife for a purpose authorized by the school corporation; or

(2) if the knife is secured in a motor vehicle."

and when so amended that said bill do pass.

(Reference is to HB 1093 as introduced.)

BEHNING, Chair

Committee Vote: yeas 6, nays 4.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1093 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning school safety.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-20-8-8, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The report must include the following information:

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(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

(5) Average class size.

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(11) School safety, including:

(A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; **and**

(B) the number of incidents reported under IC 20-33-9.

(12) Financial information and various school cost factors, including the following:

(A) Expenditures per pupil.

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(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

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- (1) makes, or causes to be made, a report under this chapter; or
- (2) participates in any judicial proceeding or other proceeding:
 - (A) resulting from a report under this chapter; or
 - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions."

Renumber all SECTIONS consecutively.

(Reference is to HB 1093 as printed January 26, 2006.)

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